

## **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,

Plaintiff,

vs.

PHENIX CITY, ALABAMA, et al.

Defendants.

CIVIL ACTION NO. 3:06-cv-00544-VPM

Judge W. Harold Albritton

PARTIES' RULE 26(D) REPORT

1. Pursuant to Fed. R. Civ. P. 26(f), a telephone conference was held on September 1, 2006 and was attended by:

Bryan G. Polisuk for plaintiff

Joshua McKoon for defendants

2. **Pre-Discovery Disclosures.** The parties will exchange information required by Fed. R. Civ. P. 26(a)(1) by October 2, 2006.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on subjects including, but not limited to:

Issues related to statements made by plaintiff that are germane to this action;

Issues related to potential damages, including, but not limited to plaintiff's payroll records;

Issues related to potential disruption caused by plaintiff's statements; and

Any defenses raised by defendants.

All discovery commenced in time to be completed by April 9, 2007.  
Maximum of 30 interrogatories by each party to any other party.  
Responses shall be due 30 days after service.

Maximum of 30 requests for admission by each party to any other party. Responses shall be due 30 days after service.

Maximum of 12 factual depositions by plaintiff and 12 factual depositions by defendants.

Each deposition limited to maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) shall be due from plaintiff and defendants on March 1, 2007.

Supplementations under Rule 26(e) due within 30 days of any party becoming aware that a supplementation is required.

#### **4. Other Items.**

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference on July 20, 2007.

The Parties should be allowed until October 16, 2006 to join additional parties and until November 13, 2006 to amend the pleadings.

All potentially dispositive motions should be filed no later than April 20, 2007, 90 days prior to the pretrial date.

Settlement cannot be evaluated at this time but may be enhanced by use of the following alternative dispute resolution procedure: mediation.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff and defendants on June 20, 2007.

Parties should have 30 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by August 20, 2007 and at this time is expected to take approximately two days.

Date: September 6, 2006

Respectfully submitted,

s/ Bryan G. Polisuk  
Thomas A. Woodley  
Molly A. Elkin  
Bryan G. Polisuk  
WOODLEY & MCGILLIVARY  
1125 15<sup>th</sup> Street, NW, Suite 400  
Washington, DC 20005  
Telephone: (202) 833-8855  
Facsimile: (202) 452-1090  
Counsel for Plaintiff

s/ J. Michael Cooper  
J. Michael Cooper  
FITZPATRICK, COOPER &  
CLARK LLP  
Farley Building, Suite 600  
1929 Third Avenue North  
Birmingham, Alabama 35203  
Telephone (205) 320-2255  
Fax: (205) 320-7444  
Counsel for Plaintiff

s/ Joshua Robert McKoon  
Joshua Robert McKoon  
MCKOON, THOMAS & MCKOON  
925 Broad Street  
P.O. Box 3220  
Phenix City, AL 36868  
Counsel for Defendants